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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/621,152	07/15/2003	Alfred Thomas	47079-00219	1210
36252	7590	07/13/2004	EXAMINER	
MICHAEL J. BLANKSTEIN WMS GAMING INC. 3401 N. CALIFORNIA AVE CHICAGO, IL 60618			MENDOZA, ROBERT J	
			ART UNIT	PAPER NUMBER
			3713	

DATE MAILED: 07/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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# Office Action Summary

Application No.

10/621,152

Applicant(s)

THOMAS, ALFRED

Examiner

Robert J Mendoza

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 on PTO/SB/08)  
Paper No(s)/Mail Date 12/06/03; 3/15/04; 5/3/04
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

**DETAILED ACTION**

**Claim Objections**

Claim 13 is objected to because of the following informalities: line 9, the term "game" is repeated. Appropriate correction is required.

**Claim Rejections - 35 USC § 102**

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

**Claims 1-31 are rejected under 35 U.S.C. 102(a) as being anticipated by Mattice et al (USPN 6,454,649).**

Regarding claims 1-6, 13-15, 20-26, 30 and 31, Mattice, in FIGS. 1-10, col. 3:34-61, col. 4:35-67, col. 5:1-12 and col. 7:41-67, discloses a gaming machine comprising a value input device, a displayed mechanical device operable during both a base game and a special feature game; an illumination source adapted to illuminate the displayed mechanical device, and a controller operatively coupled to the value input device, the displayed mechanical device and the illumination source, the controller comprising a processor and a memory coupled to the processor, the controller being programmed to allow a player to make a wager to play the base game, detect a first indication to play the special feature game, and in response to detecting the first indication, illuminate the illumination source to change an appearance of the displayed mechanical device. Mattice, in FIGS. 1-10, col. 3:34-61, col. 4:35-67, col. 5:1-12, col. 6:41-67 and col. 7:1-41, discloses wherein the base wagering game is selected from the group consisting

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of mechanical slots, video slots, video poker, video blackjack, video keno and video bingo.

Mattice, in FIGS. 1-10, col. 3:34-61, col. 4:35-67, col. 5:1-12, col. 6:41-67 and col. 7:1-41, discloses wherein the special feature game comprises a bonus game and wherein the special feature game comprises a secondary game requiring an additional wager. Mattice, in FIGS. 1-10, col. 3:34-61, col. 4:35-67, col. 5:1-12, col. 7:1-41 and col. 8:42-67, discloses wherein changing the appearance comprises illuminating an illumination source of the gaming machine, and wherein the illumination source is elected from the group consisting of black-light. Mattice, in FIGS. 1-10, col. 3:34-61, col. 4:35-67, col. 5:1-12, col. 6:9-67, col. 7:1-41 and col. 8:1-67, discloses detecting a first indication to play a bonus game that utilizes the plurality of mechanical reels; in response to detecting the first indication, changing a color of the plurality of mechanical spinning reels; detecting a second indication to terminate play of the bonus game; and in response to detecting the second indication, restoring the color to the plurality of mechanical spinning reels.

Regarding claims 7-12, 16-19 and 27-29, Mattice, in FIGS. 1-10, col. 3:34-61, col. 4:35-67, col. 5:1-12, col. 6:9-67, col. 7:1-41, col. 8:1-67 and col. 9:1-37, discloses wherein changing the appearance comprises overlaying a video image upon the mechanical device, wherein the mechanical device comprises a plurality of mechanical spinning reels, and wherein the mechanical device comprises mechanical dice. Mattice, in FIGS. 1-10, col. 3:34-61, col. 4:35-67, col. 5:1-12, col. 6:9-67, col. 7:1-41, col. 8:1-67, col. 9:1-37 and col. 11:1-67, discloses wherein the mechanical device comprises a wheel, and wherein the indication is based on a selection by a player. Mattice, in FIGS. 1-10, col. 3:34-61, col. 4:35-67 and col. 5:1-12, discloses wherein the indication is based on a triggering event occurring during base wagering game play.

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**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to R. Mendoza whose telephone number is (703) 305-7345. The examiner can normally be reached on Monday-Friday from 8:00am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the primary examiner, John Hotaling, can be reached at (703) 305-0780. The USPTO official fax number is (703) 872-9306.

RM

RM  
July 9, 2004

  
JESSICA HARRISON  
PRIMARY EXAMINER